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Attorneys for Plaintiff
iHANCE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

iHANCE, INC.

Plaintiff,

v.

MARKETO, INC.,

Defendant.

Case No.: 3:13-cv-02271-WHO

**STIPULATION AND ORDER
REGARDING FILING OF SECOND
AMENDED ANSWER AND
COUNTERCLAIMS PURSUANT TO
FED. R. CIV. P. 15(a)(2)**

Honorable William J. Orrick

1 Plaintiff and Counter-Defendant iHance, Inc. (“iHance”) and Defendant and Counter-
2 Claimant Marketo, Inc. (“Marketo”), hereby consent and stipulate as follows:

3 WHEREAS, iHance filed a Complaint on May 17, 2013;

4 WHEREAS, iHance filed a First Amended Complaint on July 8, 2013;

5 WHEREAS, Marketo filed an Answer and Counterclaims on July 22, 2013;

6 WHEREAS, Marketo filed a First Amended Answer and Counterclaims on July 29, 2013;

7 WHEREAS, Marketo seeks to file a Second Amended Answer and Counterclaims in an
8 effort to avoid unnecessary motion practice and to conserve the resources of the Court and the
9 parties;

10 WHEREAS, Marketo’s Second Amended Answer and Counterclaims is submitted
11 concurrently herewith in accordance with Civil L.R. 10-1; and

12 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2), iHance consents to
13 Marketo’s filing of the Second Amended Answer and Counterclaims.

14 **IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:**

15 1. That pursuant to Federal Rule of Civil Procedure 15(a)(2), Marketo’s Second
16 Amended Answer and Counterclaims shall be Marketo’s now-operative pleading in the above-
17 captioned litigation; and

18 2. That pursuant to Federal Rule of Civil Procedure 15(a)(3), iHance shall have fourteen
19 (14) days from service of the Second Amended Answer and Counterclaims in which to answer or
20 otherwise respond.

21 In accordance with Civil L.R. 5-1(i)(3), the filer of this document hereby attests that
22 concurrence in the filing of this document has been obtained from the other signatory hereto.

23 **IT IS SO STIPULATED:**

1 Dated: August 12, 2013

Respectfully submitted,

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3 By: /s/ Karineh Khachatourian

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10 Attorneys for Defendant
MARKETO, INC.

11
12
13 Dated: August 12, 2013

Respectfully submitted,

14
15 By: /s/ Thomas S. Fletcher

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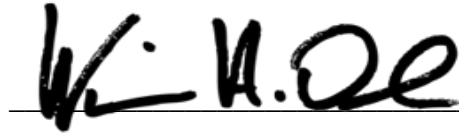
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26 Attorneys for Plaintiff
iHANCE, INC.

ORDER

Based upon the foregoing Stipulation and good cause appearing, IT IS SO ORDERED.

DATED: August 12, 2013

A handwritten signature in black ink, appearing to read "W. H. Orrick III", written over a horizontal line.

Hon. William H. Orrick III
United States District Court Judge